THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 34386 of 1998

DATE: 21-03-2007

Between :

K.Samba Siva Rao and 4 others.

… Petitioners

And

Director General of Police,
Hyderabad and 6 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 34386 of 1998

ORDER:

This writ petition is filed with the following prayer:

"To issue a writ of Mandamus declaring the action of the respondents 1 to 3 in not taking action against respondents 4 to 6 and also the action of the respondents 4 to 6 in harassing the petitioners as illegal arbitrary and consequently direct the respondents 1 to 3 to protect the lives of the petitioners and their properties from the hands of the respondents 4 to 7."

In response to the Rule Nisi ordered, a counter affidavit has been filed by the Sub-Inspector of Police, Bitragunta Police Station denying the allegations made by the petitioners and stating that one Pothuganti Khaduvali accused in Crime No.47 of 1998 registered for the offence under Sections 457 and 380 IPC of Bitragunta P.S had confessed the offence and stated that he pledged the stolen property with petitioner No.5. On the basis of the said confession, Circle Inspector of Police, Kavali seized the jewellery from petitioner No.5 on 14-10-1998. However, at that time, respondents 5 and 6 were not present and they were on other duty.

In view of what has been stated in the counter affidavit, which stood un-rebutted, I do not find any justifiable reason to issue a writ of Mandamus as prayed for.

Accordingly, leaving it open to the respondents to take appropriate steps in accordance with law, the writ petition is disposed of. No costs.

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G. ROHINI, J.

Date:21-03-2007
KLP